

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN DOE**

**Plaintiff,**

**v.**

**HEUBACH, LTD;  
HEUBACH, LTD, A NJ LIMITED  
PARTNERSHIP; and  
HEUBACH COLOR TECHNOLOGY, INC.**

**Defendants.**

**CIVIL ACTION  
No. 23-1347**

**ORDER**

This 5th day of April, 2024, for the reasons that follows, it is hereby **ORDERED** that Defendants' Reinstated Motion for Sanctions for Spoliation of Evidence (ECF 28) is **DENIED**.

Defendants set forth a basis to argue that Plaintiff intentionally destroyed critical evidence to his case – a screenshot of a workplace conversation with an offensive slur directed toward Plaintiff. Plaintiff, in his sworn deposition, represents that the screenshot was captured contemporaneously with the incident and that he did not intentionally destroy evidence. Although it remains unclear to the Court whether the screenshot with the original metadata is preserved and under what circumstances it may have been destroyed, this issue is ultimately one for a jury.

/s/ Gerald Austin McHugh  
United States District Judge